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2016

# Reauthorization: S. 2724 (1990): Report 21

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AMENDMENT NO. \_\_\_\_\_

Calendar No. \_\_\_\_\_

Purpose: To amend the National Endowment of the Arts and Humanities Act of 1965 to provide sanctions.

IN THE SENATE OF THE UNITED STATES—101st Cong., 2d Sess.

(no.) \_\_\_\_\_

(title) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Referred to the Committee on \_\_\_\_\_  
and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. HATCH

Viz:

- 1 At the appropriate place in the bill, insert the follow-
- 2 ing:
- 3 SEC. \_\_\_\_ SANCTION.

4 Section 10 of the Act is amended by inserting at the  
5 end thereof the following new subsection:

6 "(g)(1) The Chairperson shall establish sanctions for  
7 recipients of funds under this Act whose project or produc-  
8 tion is obscene, as determined ~~in accordance with State~~  
9 law.

*by a court, after final*  
*decision of a court*  
*after appeals to be obscene*  
*in the state of (states in which the project*  
*only test should be*  
*court - after appeals - state law)*  
*This court would apply*

*was produced*

*Confidential*

S.L.C.

1 "(2) The Chairperson shall establish procedures to  
 2 pay the attorney's fees of any plaintiff who successfully  
 3 brings an action against any recipient of funds under this  
 4 Act whose project or production is obscene, as determined  
 5 in accordance with State law.

*and vice versa if  
 decision is in favor  
 of NEA*

6 "(3) The sanctions described in paragraph (1) shall  
 7 include, ~~but not be limited to~~, repayment of the total  
 8 amount of the funds received under this Act within 90 days  
 9 of such determination, and ineligibility for assistance under  
 10 this Act for a period of not less than 10 years.

*used for the  
 project decided  
 by the courts*

*any grant? a reasonable period  
 decided by the court.*

11 <sup>(3)</sup> ~~The~~ Chairperson shall ensure that all recipients  
 12 of assistance under this Act are subject to the sanctions  
 13 described in paragraph (1).

*(3 years) extreme  
 bill-attainder?*

14 <sup>(4)</sup> ~~In~~ carrying the provisions of this section the  
 15 Chairperson shall consult with the National Council on the  
 16 Arts.

*gm*

(3) a) repayment of the funds